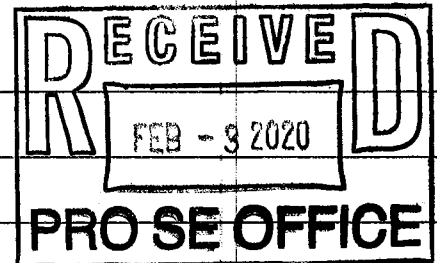


United States District Court
Southern District of New York



Martin S. Gottesfeld, pro se,
Plaintiff
- against -
Hugh J. Hmitz, et al.

Case No.: 18-cv-10836-PGG-GWB

CLAIM FOR MANDATORY JUDICIAL NOTICE (Fed. R. Evid.
201(c)(2))

Plaintiff Martin S. Gottesfeld (herein the "plaintiff"), acting pro se, hereby moves The Honorable Court pursuant to Fed. R. Evid. 201(c)(2) to take mandatory judicial notice of herewith-provided Exhibit 1 hereto, Supplemental Statement of Facts (Tuesday, January 21st, 2020).

Respectfully filed pursuant to the prison-mailbox rule of Houston v. Lack, 487 U.S. 266 (1988), by mailing to The Court in an envelope bearing sufficient affixed pre-paid first-class U.S. postage and handed to Ms. ~~J. R. Fissett~~ ^{R. Fissett} of the FCI Terre Haute CM Unit team, acting in her official capacity as an agent of the defendants, on Tuesday, January 21st, 2020, or the first opportunity thereafter,

by: [Signature]
Martin S. Gottesfeld, pro se

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: <u>2-3-20</u>

Supplemental Statement of Facts:

A. Reincorporation By Reference:

45. Complainant Martin S. Gottesfeld, registration number 12982-104, hereby reincorporates by reference herein each of the forty-four (44) numbered paragraphs of his previous Statement of Facts, dated Monday, January 13th, 2020, as if he restated them in their entirety.

B. Additional Parties:

46. Ms. Brazzell is licensed to practice nursing by The State of Indiana.

47. Dr. ~~W~~ Wilson is a medical doctor licensed to practice medicine by The State of Indiana.

48. Ms. Brazzell and Dr. Wilson each operate under her or his Indiana State License at the Federal Correctional Institution (FCI) Terre Haute, Indiana.

49. Ms. Brazzell and Dr. Wilson are each hereby added to the collective known as "these same medical professionals."

50. It has come to my attention from R. N. J. Dean, that Dr. Elizabeth Trueblood may be the de facto medical director of FCI Terre Haute while officially, the title of "medical director" may belong to Dr. Wilson, but as detailed below, I have been unable to verify this claim.

C. The Continuing and Additional Violations of Informed Consent:

51. On each morning from Tuesday, January 14th, 2020, through Friday, January 17th, 2020, I again told RN Mr. Matthew Worthington of my Indiana Health Care Representative Appointment and the determination of my competency by staff psychologists Ms. Patterson and Ms. Carmicheal. I provided him again each morning with my wife's telephone number and told him to contact her if he wished to challenge my refusal of his treatment. Immediately thereafter each morning, RN Mr. Matthew Worthington, knowing of my Health Care Representative Appointment and the ~~determined~~ determinations of my competency, utilized in a non-emergency and for administrative rather than medical reasons, the threat of another use-of-force team of six (6) men in riot gear to coerce my involuntary physical compliance, all the while I voiced my non-consent as against my will he took blood pressure and weight measurements and examined my cardiovascular and gastrointestinal systems while I was handcuffed and chained. No new follow-up care was ordered as a result. ~~I told RN Mr. Matthew Worthington for~~
~~release team~~

52. On the morning of Saturday, January 18th, 2020, I again told RN Ms. J. Dean of my Indiana Health Care Representative Appointment and the determinations of my competency by staff psychologists Ms. Patterson and Ms. ~~Carmicheal~~ Carmicheal. I provided R.N. Ms. J. Dean again with my wife's telephone number and told her to contact

my wife if she wished to challenge my refusal of her treatment. Immediately thereafter, RN Ms. J. Dean, knowing of my Health Care Representative Appointment and the determinations of my competency, utilized in a non-emergency and for administrative rather than medical reasons, the threat of another use of force team to coerce my involuntary physical compliance, while I voiced my non-consent as against my will she took blood pressure and weight measurements and examined my cardiovascular and gastrointestinal systems while I was handcuffed and chained. No new follow-up care was ordered as a result.

53. On the morning of Saturday, January 18th, 2020, I asked RN Ms. J. Dean what physician, if any, was ordering that I be treated against my will, and she told me that the medical director of FCI Terre Haute is a Dr. Wilson - and not Dr. Elizabeth Trueblood.

54. I was incredulous of RN Ms. J. Dean's assertion about the medical director because as staff and prisoners alike, Dr. Elizabeth Trueblood consistently functions as the shot-caller in medical and I have never met a Dr. Wilson.

55. I asked RN Ms. J. Dean if it seemed appropriate to her that Dr. Wilson had never met or examined me and yet he was ordering that I be treated against my will.

56. RN Ms. J. Dean did not answer my question.

57. RN Ms. J. Dean also told me that on Tuesday, January 21st, 2020, my blood would again be drawn against my will and without my consent, as well as without a court order.

58. On each morning from Sunday, January 19th, 2020,

through Tuesday, January 21st, 2020, I told RN Ms. Brazzell of my Indiana Health Care Representative Appointment and the determination of my competency by staff psychologists Ms. Patterson and Ms. Carmichael. I provided RN Ms. Brazzell with my wife's telephone number and told her to contact my wife if she wished to challenge my refusal of her treatment each morning. I also told RN Ms. Brazzell on each morning that I do not consent to be touched by her. I asked RN Ms. Brazzell for her full name and she would not provide it to me. Each of these mornings, RN Ms. Brazzell, knowing of my Health Care Representative Appointment and the determinations of my competency, utilized in a non-emergency and for administrative rather than medical reasons, the threat of another use-of-force team to coerce my involuntary physical compliance, all the while I voiced my non-consent as against my will she took blood pressure and weight measurements and examined my cardiovascular and gastrointestinal systems as well as my eye lids and extremities while I was handcuffed and chained. No follow-up care was ordered as a result.

59. On the morning of Tuesday, January 21st, 2020, Dr. G. Lukens joined RN Ms. Brazzell and he again refused to provide me his full name.

60. On the morning of January 21st, 2020, both Dr. G. Lukens and RN Ms. Brazzell refused to tell me the name of the doctor who is ordering that I be treated against my will, and the full name of Dr. Wilson.

61. On the morning of January 21st, 2020, Dr. G. Lukens performed a stethoscopic examination on me against my will and threatened me with a use-of-force team if I refused

to sit in a chair for him.

62. On the morning of January 21st, 2020, RN Ms. Brazzell drew my blood without my consent and against my will using the threat of a use-of-force team.

63. These same medical professionals again knowingly exacerbated my hypertension. Indeed, on the morning of January 21st, 2020, the blood-pressure machine audibly alarmed when it registered a result of approx. 140/95, ~~and~~ causing Dr. G. Lokers - aware of the ongoing audio and video surveillance recording in the room to hurry to clumsily try to silence the alarm.

64. Again, I told Dr. G. Lokers, as well as RN Ms. Brazzell that they were doing great harm.

65. The conduct of these same medical professionals - who once again work at a facility that uses lethal injection - continues to undermine the public's confidence in both the practice of medicine and the State of Indiana's ability to ensure ethical compliance by those it licenses to be doctors, nurses, and MLTs.

Signed under the penalty of perjury,
M G Tuesday, January 21st, 2020
Martin S. Gottesfeld
Reg. No: 12982-104

NAME: Martin S. Gottesfeld

NUMBER: 12982-104

Federal Correctional Institution

P.O. Box 33

Terre Haute, IN 47808

USMP
SDNY

U.S. District Court
Pro Se Clerk's Office
500 Pearl St.
New York, NY 10007

INDIANAPOLIS IN 450

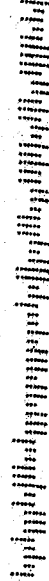
23 JAN 2020 PM 51



Tuesday, January 21st, 2020,
Houston v. Lock, 487 U.S. 266 (1988)



1000781315 0014



5172021